

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

CLEMENTE E. DALE )  
 )  
v. ) NO. 3:05-0319  
 ) JUDGE CAMPBELL  
CORRECTIONS CORPORATION )  
OF AMERICA, et al. )

ORDER


Pending before the Court are a Report and Recommendation of the Magistrate Judge (Docket No. 70) and Objections filed by the Plaintiff (Docket No. 71).

The Court has reviewed the Report and Recommendation, the Objections, and the file. The Objections of the Plaintiff are overruled, and the Report and Recommendation is adopted and approved.

Accordingly, Defendants' Motion to Dismiss and Motion for Summary Judgment (Docket no. 56) is GRANTED, and this action is dismissed without prejudice for failure to exhaust administrative remedies. Plaintiff's state medical malpractice claims are dismissed without prejudice pursuant to 28 U.S.C. § 1367. Plaintiff's counsel's Motion to Withdraw (Docket No. 63) is DENIED as moot.

The jury trial set for December 5, 2006, and the pretrial conference set for November 27, 2006, are canceled. This Order shall constitute the judgment in this case pursuant to Fed. R. Civ. P. 58.

IT IS SO ORDERED.

  
TODD J. CAMPBELL  
UNITED STATES DISTRICT JUDGE